

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

Clerk's Minutes
Before the Honorable Judith C. Herrera

USA vs. **MATTHEW HOTTHAN** Case No. **05cr1849 JH**

Date: **January 5, 2006**

Courtroom Clerk: **Elizabeth Davis** Court Reporter: **Paul Baca**

Court in Session: **10:57 a.m.** Court in Recess: **11:15 a.m.**

Type of Proceeding: **Deft's Motion to Reconsider Detention Order w/Legal Authorities (Doc. 239)**

Court's Rulings/Disposition: **Court denies Deft's Motion to Reconsider Detention Order w/Legal Authorities**

Attorney(s) Present for Plaintiff(s): Attorney(s) Present for Defendant(s):

James R.W. Braun, AUSA

Stephen D. Aarons

Proceedings:

10:57 a.m. Court in session. Counsel state their appearances.

10:57 a.m. Counsel Aarons presents his case. Counsel requests that deft be released on conditions and that deft has family members who are willing to serve as a third-party custodian.

11:02 a.m. Govt responds. Govt notes deft's extensive criminal history and informs the Court that the deft is a flight risk and a danger to the community. Govt requests the Court to follow the recommendation of Pretrial Services.

11:07 a.m. Counsel Aarons replies.

11:11 a.m. Court has reviewed matter and notes rebuttable presumption and the burden of production of deft has not been met. Court notes deft's FTA's, unstable life style, history of drug use and a danger to the community. Due to the nature and circumstances of the case, the Court will deny deft's motion. Court notes deft is a flight risk.

11:15 a.m. Court in recess.